

**Before the  
Federal Communication Commission  
Washington, D.C. 20554**

<b>In the Matter of</b>	)	
	)	
<b>Telephone Number Portability</b>	)	<b>CC Docket No. 95-116</b>
	)	
	)	
<b>Petition for Declaratory Ruling of the</b>	)	
<b>Cellular Telecommunications &amp; Internet</b>	)	
<b>Association</b>	)	

**Initial Comments Of  
Fred Williamson and Associates, Inc. ("FW&A")  
In Opposition to the Petition of the Cellular Telecommunications &  
Internet Association  
On behalf of:**

**Chouteau Telephone Company, an Oklahoma ILEC  
H&B Telephone Communications, Inc., a Kansas ILEC  
Moundridge Telephone Company, Inc., a Kansas ILEC  
Pine Telephone Company, Inc., an Oklahoma ILEC  
Pioneer Telephone Association, Inc., a Kansas ILEC  
Totah Telephone Company, Inc., a Kansas and Oklahoma ILEC  
Twin Valley Telephone, Inc., a Kansas ILEC**

### *Comments*

The Petition for Declaratory Ruling filed on January 23, 2003 by the Cellular Telecommunications & Internet Association (CTIA) should be denied. In this petition CTIA is asking that the Federal Communication Commission (FCC) issue a ruling that wireline carriers have an obligation to port their customers' telephone numbers to a Commercial Mobile Radio Service (CMRS) provider whose service area overlaps the wireline carrier's rate center. In addition, they want the FCC to declare that this obligation exists without benefit of an agreement between the two carriers, beyond a standard service level porting agreement.

CTIA's petition should be denied because it:

- Is an attempt by CTIA and its associate members to side-step the deliberative process of the North American Numbering Council (NANC),
- is seeking to alter the underpinnings of the North American Numbering Plan's (NANP's) area code system and assignment guideline,
- would require that small rural Local Exchange Carriers (LECs) implement Local Number Portability (LNP) with CMRS providers regardless of if those same small rural LECs have not had a request for interconnection from a CMRS provider or another competitive LEC (CLEC) and,
- would if granted seem to require LECs to port numbers outside of the established landline rate center boundaries that have been and continue to be the basis for rating and routing on the PSTN as required by the FCC

FW&A is a consulting firm located in Tulsa, Oklahoma that represents small rural Incumbent Local Exchange Carriers (ILECs) that operate in Kansas and Oklahoma. The ILECs represented by FW&A have a strong interest in this Petition request by CTIA because of the potential impact to them that could result if the FCC makes the wrong decision and approves the CTIA petition.

**CTIA, By Issuing This Petition Is Asking The FCC, Through It's North American  
Numbering Council (NANC), To Give It's CMRS Constituency An Unjustified  
Competitive Advantage**

CTIA wants LECs, that's all LECs including RBOCs and small rural LECs regardless of size and or their location, to be required to port the LEC wireline numbers to a CMRS provider when that CMRS provider's service area overlaps a LEC's rate center. They also apparently want this to take place as soon as possible. They are making this request despite the fact that CTIA and the CMRS providers that they represent are still fighting the implementation of Wireless Local Number Portability (WLNP)<sup>1</sup>. The CMRS providers were put on notice in 1996 that they would be required to implement LNP<sup>2</sup>, however since that time they have successfully managed to convince the Commission that for various reasons they are not yet able or ready to conform to the FCC directives. They are however, as is readily apparent by their petition, very much in favor of requiring LECs, including small rural LECs to port numbers to the CMRS Providers. This request is in direct conflict with the very charter of the group, NANC<sup>3</sup>, that the FCC has charged with the responsibility to guide the industry number portability implementation. The NANC Charter<sup>4</sup> states that its purpose is "to advise the Federal Communications Commission (Commission) and to make recommendations, reached through consensus, that foster efficient and impartial North American Numbering Plan (NANP) administration. The Council will advise the Commission on numbering policy and technical issues, initially resolve disputes as directed by the Commission, and provide guidance to the North American Numbering Plan Administrator (NANPA), the Local Number

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<sup>1</sup> Petition for Declaratory Ruling of the Cellular Telecommunications and Internet Association, CC Docket no. 95-116, January 23, 2003, page 13

<sup>2</sup> CC Docket 95-116, First Report and Order and Further Notice of Proposed Rulemaking, ¶155 (1996)

<sup>3</sup> FCC established the North American Numbering Council (NANC) which is an industry forum established under the federal Advisory Committee Act to assist in adopting a new model for administration of the North American Numbering Plan (NANP). The NANP is the basic numbering scheme for the telecommunications networks located in Anguilla, Antigua, Bahamas, Barbados, Bermuda, British Virgin Islands, Canada, Cayman Islands, Dominica, Dominican Republic, Grenada, Jamaica, Montserrat, St. Kitts & Nevis, St. Lucia, St. Vincent, Turks & Caicos Islands, Trinidad & Tobago, and the United States (including Puerto Rico, the U.S. Virgin Islands, Guam and the Commonwealth of the Northern Mariana Islands). The NANC's initial charter was filed with Congress on October 5, 1995. Additionally, the NANC will provide several specific recommendations to the Commission regarding Number Portability.

<sup>4</sup> AMENDED CHARTER FOR THE NORTH AMERICAN NUMBERING COUNCIL, (B.) The Committee's Objectives and Scope of its Activity

Portability Administrator (LNPA), and the Pooling Administrator (PA) as directed by the Commission". The NANC Charter also states that it is to provide this guidance and directions on an impartial and technological neutral basis<sup>5</sup> Clearly, if the FCC decides to grant CTIA's Petition they will be favoring one technology over another, namely wireless over wireline. In addition granting the petition would be favoring one industry segment over another; in this case the wireless carriers over the LECs and particularly the small rural LECs.

**UTILIZATION OF WIRELINE RATE CENTER LNP PROCESSES FOR WIRELESS  
LNP IS NOT DISCRIMINATORY TOWARDS THE CMRS PROVIDERS NOR IS IT  
TECHNOLOGICALLY INFEASIBLE**

The CTIA would have you believe that the implementation of wireless LNP is impossible if they are required to conform the porting to the LEC rate centers. That is simply not true. They could and can implement LNP using the LEC rate centers which would be a competitively neutral process since that is the basis for the wireline world, but they instead are hoping that they will be successful in obtaining FCC approval to expand wireline LNP to cover the wireless service area. Since wireless service areas can encompass multiple wireline rate centers the CMRS providers are really asking that the FCC force the LECs to implement inter rate center LNP. In addition and perhaps worst of all CITA is asking that this be done even if they are not competing with the LEC wireline provider.

What is clear, is that CTIA and the CMRS providers do not want to be held to the same competitive standards as the LECs; despite the fact that the Commission has declared<sup>6</sup> that LNP would foster competition not only among CMRS providers but between CMRS providers and wireline service providers.

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<sup>5</sup> AMENDED CHARTER FOR THE NORTH AMERICAN NUMBERING COUNCIL (B) In carrying out its responsibilities, the Council shall assure that NANP administration supports the following policy objectives: (1) that the NANP facilitates entry into the communications marketplace by making numbering resources available on an efficient, timely basis to communications service providers; (2) that the NANP does not unduly favor or disfavor any particular industry segment or group of consumers; (3) that the NANP does not unduly favor one technology over another; (4) that the NANP gives consumers easy access to the public switched telephone network; and (5) that the NANP ensures that the interests of all NANP member countries are addressed fairly and efficiently, fostering continued integration of the NANP across NANP member countries.

<sup>6</sup> CC Docket 95-116, First Report and Order and Further Notice of Proposed Rulemaking, ¶155 (1996)

The CMRS providers are familiar with and in fact use what they call the antiquated LEC rate center process in the day to day efforts of doing business. The fact is that the telecommunications industry today as well its plans for tomorrow continue to use rate centers as a primary focus. The utilization of rate centers<sup>7</sup> is a vital key to not only the rating and associated billing of LEC traffic but is an integral, required element of the many processes and procedures that have been produced by the Commission and industry groups that have the responsibility for seeing that LNP, as well as Number Pooling, is implemented on the basis proscribed by the FCC. The Industry Numbering Committee<sup>8</sup> (INC) in their May 2002 INC Report to the NANC discuss, in their Central Office/NXX Workshop section, that numbers are associated with rate centers.

The FCC has specifically linked NXX assignments and rate centers. For instance the Commission said<sup>9</sup> “NXX codes are assigned to a particular geographic rate center in an area code<sup>10</sup> and a carrier with a particular NXX can only serve customers associated with the rate center to which the NXX is assigned. The number of NXXs associated with a rate center varies according to population density and the consequent demand for telephone numbers in the geographic area covered by the center”.

The North American Numbering Plan Administration (NANPA) requirements and responsibilities regarding central office (CO) NXX code requests and code administration are published in the industry-developed and approved document, “Central Office Code (NXX) Assignment. If a telecommunications carrier, including a wireless service provider requests an NXX code they do so from this document. The current version of that document states in its Rate Center section that:

- (a) The specified rate center must have been approved by the State Regulatory Commission as a valid, tariffed “exchange” in that state

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<sup>7</sup> Rate centers are telephone company-designated geographic locations that are assigned vertical and horizontal coordinates within an area code. NEWTON'S TELECOM DICTIONARY, 11th Edition, at 498. *See also* Local Exchange Routing Guide (LERG), Volume 2, Section 1 at 24 (March 1997)

<sup>8</sup> The Industry Numbering Committee (INC) is a stand alone committee under the Alliance for Telecommunications Industry Solutions, was formed in July 1993, and first met in October 1993, to promote the discussion and resolution of numbering issues in a single group.

<sup>9</sup> Third Order On Reconsideration Of Second Report And Order And Memorandum Opinion And Order Released October 21, 1999 ¶ 6

- (b) Generally, the rate center should be one that defines a franchised, wireline service area ("exchange") of the incumbent local exchange carrier (ILEC)
- (c) As of the effective date for the requested central office code assignment, the rate center specified must physically reside within geographic boundaries of the NPA and LATA specified on the Part 1
- (d) If the rate center will be moving to a new or different NPA as the result of an approved NPA relief plan, then the specified NPA and LATA must be those in which the rate center will physically reside as of the NXX effective date.

The Local Exchange Routing Guide (LERG)<sup>11</sup> produced by Telcordia is an industry standard tool that contains detailed information about wireline as well as wireless switch/s. The LERG, among other data reflects such information as Operating Company Numbers (OCNs), associated Company Names, and Routing Contacts by OCN, Numbering Plan Area (NPA) Assignments, Destination Code (NPA/NXX) (aka "prefix", "exchange" ...) Assignments, including associated switching entity and Rate Center, Thousands Block Pooling Assignments, Switching Entity Detail, Rate Center details (e.g V&H Coordinates) and associated Localities.

**NUMBER POOLING IS BASED ON LEC RATE CENTERS AND IS AN  
INDUSTRY PROJECT THAT INCLUDES WIRELINE AND WIRELESS  
SERVICE PROVIDER PARTICIPATION**

Number Pooling, which originally CTIA and the CMRS providers had adamantly stated could not be implemented without first going to LNP is up (without wireless LNP), functioning and is absolutely based on rate centers. The Pooling Administration System (PAS) User Guide for Service Providers (SPs) updated February 2003 and produced by NeuStar, the nations pooling administrator, has references to rate centers and their utilization in number pooling in several of it's sections. For example in section five "Requests for Pool Resources" it says that the Industry Numbering Committee (INC)

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<sup>11</sup> The LERG information is used by most Service Providers in the North America Numbering Plan to maintain their OSS databases with information for rating and routing. In the US, all NPA/NXX activity is reported to the RDBS. This is required of most Service Providers in order to obtain a CO (NXX) Code. The information reported to the RDBS is then used to produce the LERG and the Terminating Point Master (TPM) used for SS7 information. The LERG provides a common format and common repository for network information, and for obtaining NPA/NXX activity information.

Thousand-Block Number (NXX-X) Pooling Administration Guidelines specify that Service Providers (SPs) must use specific application forms and that in order to submit a request for pool resources you have to identify the rate center sub zone for the requested block. But then it is not so surprising to find that the processes actually implementing Number Pooling use rate centers since the FCC itself required their use<sup>12</sup>. The thing that is not consistent with the facts is that CTIA and the CMRS providers continue to try and confuse the issues associated with implementing wireless LNP with rate centers. They could implement LNP using the LEC rate centers which would result in at least a more competitively neutral process, but they instead are hoping that by getting the FCC to approve their petition they will be successful in obtaining FCC approval to expand wireline LNP to cover the wireless service area. Since wireless service areas can encompass multiple wireline rate centers the CMRS providers are really asking that the FCC force the LECs to implement inter rate center LNP. In addition and perhaps worst of all CITA is asking that this be done even if they are not competing with the LEC wireline provider.

**GRANTING THE CTIA PETITION WOULD REQUIRE THAT SMALL RURAL  
LOCAL EXCHANGE CARRIERS (LECS) IMPLEMENT LOCAL NUMBER  
PORTABILITY (LNP) WITH CMRS PROVIDERS REGARDLESS OF IF THOSE  
SAME SMALL RURAL LECS HAVE NOT HAD A REQUEST FOR LNP OR  
INTERCONNECTION FROM A CMRS PROVIDER OR ANOTHER  
COMPETITIVE LEC (CLEC)**

The CTIA petition is asking that the Commission issue a ruling that wireline carriers have an obligation to port their customers' telephone numbers to a Commercial Mobile Radio Service (CMRS) provider whose service area overlaps the wireline carrier's rate center. In addition, they want the FCC to declare that this obligation exists without benefit of an agreement between the two carriers, beyond a standard service level porting agreement.

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<sup>12</sup>CC Docket No. 99-200, In the Matter of Numbering Resource Optimization, April, 2002, ¶ 4, *Geographic Scope*

In the case of the small rural LECs represented by FWA there have been no actual requests for LNP; either from a CMRS provider or a CLEC. The primary reason for this status to date is that the CMRS providers and the CLECs have not decided to actually enter the rural LEC exchanges on a competitive basis and/or have only done so on a limited basis. However, if the Commission inappropriately grants CTIA's Petition a CMRS provider that is not even competing in any given LEC rate center, but whose service area "overlaps" the LEC rate center *could* require that the LEC port numbers to the CMRS provider. In this situation, the rural LEC would only be performing LNP with CMRS providers and no one else. That is due to the fact that wireline to wireline LNP is based on both carriers being located within the same rate center. It is also due to the fact that for various reasons the FCC has seen fit to not require CMRS providers to implement wireless to wireline (or wireless to wireless) LNP. Therefore the granting of the CTIA petition would give the CMRS providers a one sided and decidedly un-competitive advantage in that the LECs would not be able to port any of the CMRS provider's customer's numbers.

In the Verizon Petition in 2001<sup>13</sup> on issues very similar to the ones brought up by CTIA's current petition, the Texas Public Utility Commission (PUC) correctly pointed out<sup>14</sup> that CMRS providers are apparently willing to make the necessary network changes to implement pooling but see no competitive reason to implement wireless LNP. The Texas PUC also noted<sup>15</sup> that a competitive market is certainly in the best interest of the public, and the cornerstone of a competitive telecommunications market is customer choice. If the wireline customer can keep their telephone number if they switch to a wireless carrier, but a wireless carrier cannot keep their number if they switch to a wireline and or even another wireless carrier there is no customer choice being offered to the wireless subscribers and therefore no possibility of a wireline provider porting a customer from the wireless carriers. That is not a competitively neutral process by anyone's estimation.

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<sup>13</sup> WT Docket No. 01-184, CC Docket. 99-200 In the Matter of Verizon Wireless Petition for Partial Forbearance from CMRS Number Portability Obligation (2001)

<sup>14</sup> Comments of the Public Utility Commission of Texas pp 3-4, WT-Docket No. 01-184; CC Docket No. 99-200, Sept 21, 2001

<sup>15</sup> Id at 4



The comments of the State Coordination Group (SCG)<sup>16</sup> in the Verizon Petition are also pertinent in this Petition because the underlying rationale for both petitions is the same; the CMRS providers seek and want the capability of porting (taking) customers from the wireline providers, but do not want to have the obligation to port their numbers to the wireline. Even more pointed is that they do not want to implement wireless to wireless LNP much less wireless to wireline.

### **CONCLUSION**

The wireless industry throughout the Number Pooling as well as this LNP process has been very insistent that the FCC's policies associated with LNP should be technology neutral; which is a position that FWA and the small rural LECs that we represent share with CTIA. However, granting this CTIA Petition will not result in a technology neutral process. To the contrary allowing the CMRS providers to require wireline porting in every rate center that a CMRS service area happens to overlap would give the CMRS providers a strong competitive advantage over the wireline LECs. That is not in the public interest and is not in line with the FCC's own guidelines and therefore the CTIA Petition must be denied.

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Respectfully Submitted

Fred Williamson and Associates, Inc.

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<sup>16</sup> State Coordination Group made up of State Commissions staff personnel from California, Indiana, Maine, Maryland, Nebraska, Ohio, Tennessee and Texas – WT Docket No. 01-184, CC Docket. 99-200 In the Matter of Verizon Wireless Petition for Partial Forbearance from CMRS Number Portability Obligation (2001)